

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. : 10/628,954 TC/Art Unit : 2179
Applicant : Stefan Kusterer et al. Conf. No. : 6169
Filing Date : July 28, 2003 Examiner : Nicholas Augustine
Title : UNIFYING NAVIGATION MODULE

Mail Stop: APPEAL BRIEF -- PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SECOND AMENDED APPEAL BRIEF FILED IN RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF MAILED ON FEBRUARY 5, 2009

Appellant files this Appeal Brief pursuant to 37 C.F.R. § 41.37 in support of an appeal of the final rejection of claims 4-10, 13-18, 21, 25-31, and 34-39 under 35 U.S.C. § 102(b) in the final Office Action of March 18, 2008 and in response to the Notice of Non-Compliant Appeal Brief mailed on January 2, 2010 asserting that section **V. Summary of Claimed Subject Matter** is deficient for failure to map independent claims 35 and 36 to the specification as filed with the application. Per MPEP §1205.03, only the corrected section **V. Summary of the Claimed Subject Matter** is filed herewith. No additional fees are believed to be due, however, the Commissioner is hereby authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 34874-073/2003P00062US01.

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being electronically transmitted to the Patent and Trademark Office on the date indicated below in accordance with 37 CFR 1.8(a)(1)(i)(C).

March 1, 2010

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V. SUMMARY OF CLAIMED SUBJECT MATTER

In accordance with 37 C.F.R. § 41.37(v), Appellant provides a brief summary of each independent claim involved in the appeal and each dependent claim argued separately, where each summary refers to the specification by page and line number and to the drawings by reference number. Appellant notes that this "Summary of claimed subject matter" is provided only to assist the Board in identifying portions of the specification related to the particular claims. In the interest of brevity, each claim summary does not necessarily include all references to all relevant portions of the specifications and drawings. Accordingly, omission of any reference to the specification or to the drawings should not be construed in any way as an intent to relinquish claim scope or term, or as an implication or statement regarding the conformance with 35 U.S.C. §112. Appellant respectfully submits that the claims should not be construed as being limited to the embodiments described or referenced in any claim summary, and that other embodiments, as well as the Doctrine of Equivalents, may apply in determining claim scope. Similar terms in the claims as described below described similar structures and/or functions.

Claim 34. Claim 34 is directed to a portal system (an example of which is illustrated in FIG. 2 and also in FIG. 4) that includes an integration layer, a data layer that includes a plurality of application sources that each create an application-specific hierarchy, and a presentation layer. The integration layer includes a navigation service module 220 or 420 that defines a connector interface and that resides on a first programmable machine (i.e. reference number 320 in FIG. 3, also see ¶[0023] for a description of uniting application hierarchies into a single, consistent unified hierarchy in a system in which the application sources are accessed over a network and therefore reside on other programmable machines than the navigation service module 220 or 420). The plurality of application sources 240 (see for example ¶[0032]) reside on one or more additional programmable

machines that are distinct from the first programmable machine 320 and that communicate with the navigation service module 220 or 420 on the first programmable machine (for example 320) over a network. The data layer also includes navigation connectors 230 or 432, 434, 436 (see FIG. 2 or FIG. 4) in an equal number to the plurality of application sources 240. Each of the application sources 240 provides one of the navigation connectors 230 or 432, 434, 436 by implementing, on the one or more additional programmable machines, the connector interface defined by the navigation service module 220 or 420 and by generating one or more navigation nodes (for example reference numbers 222 and 224 in FIG. 2) that represent the data objects in the respective application source (see for example ¶[0032], ¶[0032], and ¶[0048] for further description). The presentation layer (see FIG. 2) also resides on the first programmable machine. As discussed for example at paragraph [0042], the presentation layer is part of the enterprise portal 320 and includes one or more navigation applications that obtain navigation information from the navigation service module 220 or 420. The navigation service module 220 or 420 further unites the navigation nodes provided by the plurality of navigation connectors 230 or 432, 434, 436 (see for example ¶[0033]) to provide a homogeneous view of navigation information from the plurality of application sources 240 or 340 by uniting the application-specific navigation hierarchies from each of the plurality of application sources into a unified, consistent application hierarchy (see for example ¶[0034]) that is presented to one or more clients running on one or more client machines 300.

Independent Claim 35. Claim 35 is directed to a method in which are operated one or more navigation applications 210 (see FIG. 2 for example) residing on a first programmable machine (i.e. reference number 320 in FIG. 3) in a presentation layer (see FIG. 2) of a navigation model architecture. A navigation service module 220 or 420 residing on the first programmable machine 320 in an integration layer (see FIG. 2) of the navigation model architecture, and a plurality of application sources 240 or 340 residing on one or more additional programmable machines (see for

example FIG. 3 and ¶[0032]) in a data layer of the navigation model architecture are also operated. The one or more additional programmable machines communicate over a network with the navigation service module 220 or 420 on the first programmable machine 320 (see for example ¶[0023]). Each of the application sources 240 or 340 creates an application-specific hierarchy (see for example ¶[0024] and ¶[0034]). A connector interface that is defined by the navigation service module 220 or 420 and that causes each of the plurality of application sources to provide one navigation connector 230 (see ¶[0032]) or 432, 434, and 436 (see ¶[0044]) to the navigation service for each of the plurality of application sources 240 or 340 is implemented on the one or more additional programmable machines (for example reference numbers 222 and 224 in FIG. 2 as described in ¶[0030]). Each navigation connector 230 or 432, 434, and 436 provides one or more navigation nodes 222, 224 that represent data objects in the one of the plurality of application sources 240 that provides the navigation connector 230 or 432, 434, and 436 (see FIG. 2 or FIG. 4 as well as ¶[0032], ¶[0032], and ¶[0048] for further description). The navigation nodes 222, 224 are united to provide, via the one or more navigation applications 210, a homogeneous view of navigation information from the plurality of application sources 240 by uniting the application-specific navigation hierarchies from each of the plurality of application sources into a unified, consistent application hierarchy (see for example ¶[0023] for a description of uniting application hierarchies into a single, consistent unified hierarchy in a system in which the application sources are accessed over a network and therefore reside on other programmable machines than the navigation service module 220 or 420). Paragraph [0042] discusses the presentation layer including one or more navigation applications that obtain navigation information from the navigation service module 220 or 420.

Independent Claim 36. Claim 36 is directed to an article comprising a machine-readable medium that stores instructions operable to cause one or more machines to perform a number of

operations. One or more navigation applications 210 (see FIG. 2 for example) are operated that reside on a first programmable machine (i.e. reference number 320 in FIG. 3) in a presentation layer (see FIG. 2) of a navigation model architecture. A navigation service module 220 or 420 residing on the first programmable machine 320 in an integration layer (see FIG. 2) of the navigation model architecture, and a plurality of application sources 240 or 340 residing on one or more additional programmable machines (see for example FIG. 3 and ¶[0032]) in a data layer of the navigation model architecture are also operated. The one or more additional programmable machines communicate over a network with the navigation service module 220 or 420 on the first programmable machine 320 (see for example ¶[0023]). Each of the application sources 240 or 340 creates an application-specific hierarchy (see for example ¶[0024] and ¶[0034]). A connector interface that is defined by the navigation service module 220 or 420 and that causes each of the plurality of application sources to provide one navigation connector 230 (see ¶[0032]) or 432, 434, and 436 (see ¶[0044]) to the navigation service for each of the plurality of application sources 240 or 340 is implemented on the one or more additional programmable machines (for example reference numbers 222 and 224 in FIG. 2 as described in ¶[0030]). Each navigation connector 230 or 432, 434, and 436 provides one or more navigation nodes 222, 224 that represent data objects in the one of the plurality of application sources 240 that provides the navigation connector 230 or 432, 434, and 436 (see FIG. 2 or FIG. 4 as well as ¶[0032], ¶[0032], and ¶[0048] for further description). The navigation nodes 222, 224 are united to provide, via the one or more navigation applications 210, a homogeneous view of navigation information from the plurality of application sources 240 by uniting the application-specific navigation hierarchies from each of the plurality of application sources into a unified, consistent application hierarchy (see for example ¶[0023] for a description of uniting application hierarchies into a single, consistent unified hierarchy in a system in which the application sources are accessed over a network and therefore reside on other programmable

machines than the navigation service module 220 or 420). Paragraph [0042] discusses the presentation layer including one or more navigation applications that obtain navigation information from the navigation service module 220 or 420.

Dependent Claims 4 and 25. Dependent claim 4 is directed to a method as in claim 35 and further including the limitation that the navigation service accepts one of the plurality of navigation connectors at the navigation service by receiving a registration request from the one of the navigation connectors. Receipt of the registration request by the navigation service results in the navigation service having an identifier for the navigation connector. The connector identifier is included in the navigation nodes. The navigation service receives the navigation information discussed above in claim 35 by receiving the navigation nodes from the navigation connector as defined by the navigation object model. This process is described in greater detail in ¶[0026]. Dependent claim 25 is directed to an article as in claim 36 and further including the limitation that the navigation service accepts one of the plurality of navigation connectors at the navigation service by receiving a registration request from the one of the navigation connectors that causes operations to be performed by a processor. The patentability of claims 4 and 25 should be considered together as they recite similar subject matter.

Dependent Claims 8 and 14. Dependent claim 8 is directed to a method as in claim 35 in which the uniting of the navigation hierarchies by the navigation service module includes merging at least two navigation objects from the different application sources based on a merge identifier. This process is described in greater detail in ¶[0055], ¶[0056], ¶[0057], and ¶[0058]. Dependent claim 14 is directed to a portal system as in claim 34 that incorporates similar subject matter to claim 8. The patentability of claims 8 and 14 should be considered together as they recite similar subject matter.

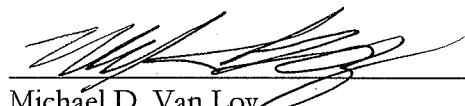
Concluding Comments

On the basis of the foregoing arguments, the pending claims are in condition for allowance. It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper.

The Commissioner is hereby authorized to charge the fee for the filing of this Appeal Brief, for a Petition for a one-month extension of time, and any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 34874-073/2003P00062US01. If there are any questions regarding this reply, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,

Date: March 1, 2010



Michael D. Van Loy
Reg. No. 52,315

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
3580 Carmel Mountain Road, Suite 300
San Diego, CA 92130
Customer No. 64280
Tel.: 858/314-1559
Fax: 858/314-1501